

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

<b>Comcast of Massachusetts III, Inc.</b>	)	<b>Case No.: 1:05-cv-11838-NG</b>
	)	
Plaintiff,	)	<b>PLAINTIFF'S REQUEST</b>
	)	<b>FOR ENTRY OF DEFAULT</b>
vs.	)	
	)	
<b>Robert Harris</b>	)	
	)	
Defendant	)	
	)	
	)	

Now comes the Plaintiff Comcast of Massachusetts III, Inc. (hereinafter "Comcast" or the "Plaintiff") in the above-entitled action and requests this Honorable Court to enter a default against Defendants Robert Harris (hereinafter the "Defendant"), in this action.

As reasons therefore, the Plaintiff states that Defendants have failed to appear, have failed to serve a responsive pleading, and have failed to otherwise defend against the Plaintiff's claims, pursuant to Rule 12 of the Fed. R. Civ. P.

**WHEREFORE**, the Plaintiff respectfully requests that this Honorable Court enter a default against the Defendants. The Affidavit of Plaintiff's Attorney reciting compliance with Rule 12 and Rule 55 of the Fed. R. Civ. P. is annexed hereto and made a part hereof.

Respectfully Submitted for the Plaintiff,  
Comcast of Massachusetts III, Inc.  
By Its Attorney,

12/13/05  
Date

/s/ John M. McLaughlin  
John M. McLaughlin  
**Green, Miles, Lipton & Fitz-Gibbon LLP**  
77 Pleasant Street  
P.O. Box 210  
Northampton, MA 01061  
Telephone: (413) 586-0865  
BBO No. 556328

**CERTIFICATE OF SERVICE**

I, John M. McLaughlin, attorney for the Plaintiff, hereby certify that on the 13<sup>th</sup> day of December, 2005, a copy of the foregoing Request for Default was mailed first class to:

Robert Harris  
109 Burlington Street  
Lexington, MA 02420

/s/ John M. McLaughlin  
John M. McLaughlin, Esq.

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Comcast of Massachusetts III, Inc. ) Case No.: 1:05-cv-11838-NG  
Plaintiff, )  
vs. ) AFFIDAVIT OF ATTORNEY FOR  
Robert Harris ) PLAINTIFF'S REQUEST  
Defendant ) FOR DEFAULT

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Now comes John M. McLaughlin, Attorney for the Plaintiff in the above-entitled action, and, on oath, states the following:

1. On September 9, 2005, the Plaintiff filed a Complaint against the Defendant, **Robert Harris**, in United States District Court, alleging violations of 47 U.S.C. § 553.
2. On September 30, 2005, the said Defendant was served **by last and usual place of abode, by Deputy Sheriff Michael A. Doyle** (see copy of Deputy Sheriff's Return of Service marked Exhibit A, attached hereto, and made a part hereof).
3. Pursuant to the provisions of Rule 12 of the Fed. R. Civ. P., the Defendant had twenty days after being served with the summons and complaint within which to serve an answer to Plaintiff's Complaint.
4. To date, the Defendant has failed and neglected to file an answer to Plaintiff's Complaint or to otherwise defend against Plaintiff's claims.
5. I have filed herewith an application for entry of default, with the request that a Notice of Default be entered by this Court.

6. I have attached a Form of Order entitled Notice of Default, for the Court's use if it shall determine that the said Defendant is in default.

Subscribed and sworn to, under the pains and penalties of perjury, this 13<sup>th</sup> day of December, 2005.

Respectfully Submitted for the Plaintiff,  
Comcast of Massachusetts III, Inc.  
By Its Attorney,

/s/ John M. McLaughlin  
John M. McLaughlin  
**Green, Miles, Lipton & Fitz-Gibbon LLP**  
77 Pleasant Street  
P.O. 210  
Northampton, MA 01061  
Telephone: (413) 586-0865  
BBO No. 556328

UNITED STATES DISTRICT COURT

District of Massachusetts

Comcast of Massachusetts III, Inc.

v.

Robert Harris

SUMMONS IN A CIVIL CASE

CASE NUMBER:

05 - 11838 NG

TO: (Name and address of Defendant)

Robert Harris  
109 Burlington Street  
Lexington, MA 02420

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

John M. McLaughlin  
Green, Miles, Lipton & Fitz-Gibbon LLP  
P. O. Box 210  
77 Pleasant Street  
Northampton, MA 01061-0210  
(413) 586-0865

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

SARAH A. THORNTON

CLERK



(By) DEPUTY CLERK

SEP - 9 2005

DATE



Middlesex Sheriff's Office • Civil Process Division, P.O. Box 410180, Cambridge, MA 02141-1819 • (617) 547-1171

Middlesex, ss.

October 4, 2005

I hereby certify and return that on 9/30/2005 at 1:15PM I served a true and attested copy of the SUMMONS, COMPLAINT, CIVIL ACTION COVER SHEET AND CORPORATE DISCLOSURE in this action in the following manner: To wit, by leaving at the last and usual place of abode of ROBERT HARRIS, , 109 BURLINGTON STREET LEXINGTON, MA and by mailing 1<sup>st</sup> class to the above address on 9/30/2005. Attest (\$10.00), Basic Service Fee (\$20.00), Conveyance (\$3.00), Postage and Handling (\$3.00), Travel (\$7.68) Total Charges \$43.68

CCCC

Deputy Sheriff

Other (specify): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL
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**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_ Date \_\_\_\_\_  
 Signature of Server \_\_\_\_\_

Address of Server \_\_\_\_\_

08082811

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**Comcast of Massachusetts III, Inc.** ) Case No.: 1:05-cv-11838-NG  
Plaintiff, )  
vs. )  
**Robert Harris,** )  
**Defendant** )  
ORDER FOR NOTICE OF REQUEST  
FOR DEFAULT

Upon application of the Plaintiff for an order of default for failure of the Defendant to plead or otherwise defend, as provided by Rule 55(a) of the Federal Rules of Civil Procedure, notice is hereby given that the Defendant has been DEFALTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BY THE COURT

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## Deputy Clerk